



WP(MD)No.35551 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

CORAM :

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**WP(MD)No.35551 of 2025 and
WMP(MD)No.28204 of 2025**

N.Kumar

... Petitioner

Vs

1. The District Collector,
Ramanathapuram District,
Ramanathapuram..

2. The Tahsildar,,
Ramanathapuram District,
Ramanathapuram..

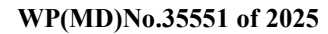
3. The Commissioner,,
Ramanathapuram Municipality,
Ramanathapuram..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating with the impugned order of the 3rd respondent in Na.Ka.No. 3063/2025/F1 dated 29.11.2025 and quash the same as arbitrary, illegal, and consequently forbearing the respondents from taking any precipitative action, including demolition on the Sri Rajakaliamman Temple.

For Petitioners : Ms.R.Meenakshi
For Respondent : Mr.SRA.Ramachandran for R1 and R2

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ORDER

The petitioner herein claiming that the structure, which is now sought to be removed by the respondent Municipality, has been erected in the Government poramboke land encroaching upon the road is before this Court claiming that the temple was in existence even before his birth. He has put up a structure in the year 1991 at his expenses and maintaining it very responsibly and also obtained electricity service connection and paying tax to the Government for the property and therefore, without proper prior notice, notice issued under Section 128 of the Tamil Nadu Local Bodies Act, 1998 issued to be quashed.

“128. *Power to remove encroachment from public place.*—

(1) The Commissioner may, (a) remove without any notice any movable temporary structure, enclosure, stall, booth, any article whatsoever hawked, exposed or displayed for sale or any other thing whatsoever by way of encroaching street or public place or the land belonging to or vested



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with the municipality] with the municipal limit ;

(b) remove any immovable structure whether permanent or of temporary nature encroaching the street or public place or the [land belonging to or vested with the municipality] within the municipal limit, after issuing a show cause notice for such removal, returnable within a period of seven days from the date of receipt thereof :

Provided that the Commissioner shall consider any representation received within the time limit, before passing final orders.

(2) Whoever makes any encroachment in any land or space (not being private property) in any public street or any [land belonging to or vested with the municipality] within the municipal limit, shall, on conviction, be punished with imprisonment which shall not be less than one year but which may extend to three years and with fine which may extend to fifty thousand rupees :

Provided that the Court may, for any adequate or special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year.”

3. This notice issued after being satisfied that the petitioner has encroached upon the public place. Seven days time was granted for removing the structure. If the petitioner has any reason to continue the possession, he



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should have made representation to the authorities. From the affidavit, we find that there is no such representation given by the petitioner and the seven days has already lapsed.

4. In the said circumstances, we do not find any merit in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

(G.J, J.) (K.K.R.K, J.)
11.12.2025

Index : Yes / No
Neutral Citation : Yes / No

RR

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram..

2. The Tahsildar,,
Ramanathapuram District,
Ramanathapuram..

3. The Commissioner,,
Ramanathapuram Municipality,
Ramanathapuram..



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DR.J.JAYACHANDRAN, J
and
K.K.RAMAKRISHNAN, J.

RR

Order made in
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